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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,290	03/09/2001	Shimon Shmueli	4989-008	7144

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EXAMINER

KLIMACH, PAULA W

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/803,290

Applicant(s)

SHMUELI ET AL.

Examiner

Paula W. Klimach

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 09/12.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/01/05 has been entered.

### *Claim Rejections - 35 USC § 112*

**Claims 1, 14, 19, and 27** are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. "Without requiring the host computer to boot" critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). The section cited by the applicant (page 14 line 32 to page 15 line 5) discloses the process of transferring the user's normal setup from the home PC, however the section does not disclose the software adapted to automatically execute on the host computing device in association with a computing session and configure other software running on the host computing device without requiring the host computer to boot (emphasis added). Although the disclosure discloses the configuration of the user's desktop to set to a preferred color (page 9 line 30 to page 10 line 15), it does not further disclose the configuration without requiring the host computer to boot.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-11 and 13-32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Levine (6,128,730) in view of Shih et al (6,405,362 B1).

*In reference to claims 1, 19, and 27*, Levine discloses a system for configuring other software using configuration system software that is installed from removable media (column 14 lines 27-58).

However the system of Levine discloses installing the software on the disk mass storage device. Levine further does not expressly disclose the software adapted to automatically execute on the host-computing device.

Shih discloses software delivered on a flash card, therefore a body having memory within the body containing software for executing on a host-computing device (column 6 lines 5-20). The flash card, disclosed by Shih, includes an interface associated with the memory and adapted to facilitate interaction with the host-computing device (column 6 lines 25-55), and the software adapted to automatically execute on the host computing device in association with a computing session and the software running on the host computing device without requiring the host computer to boot (column 6 line 56 to column 7 line 40), and, in association with termination of the computing session, instruct the host computing device to remove records pertaining to the

computing session from the host computing device to enhance privacy associated with the computing session (column 8 line 35 to column 9 line 53).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the system of Shih to carry and install the configuration software of Levine. One of ordinary skill in the art would have been motivated to do this because the system will reduce the resources needed by cleaning up after removal of the flash card, not requiring a browser, and resources may be accessed without going through a device driver (column 2 lines 9-55).

*In reference to claims 14*, Levine discloses a system for configuring other software using configuration system software that is installed from removable media (column 14 lines 27-58). Furthermore the system of Levine stores select information associated with the computing session (column 6 lines 15-48).

However the system of Levine discloses installing the software on the disk mass storage device. Levine further does not expressly disclose the software adapted to automatically execute on the host-computing device.

Shih discloses software delivered on a flash card, therefore a body having memory within the body containing software for executing on a host-computing device (column 6 lines 5-20). The flash card, disclosed by Shih, includes an interface associated with the memory and adapted to facilitate interaction with the host-computing device (column 6 lines 25-55), and the software adapted to automatically execute on the host computing device in association with a computing session and the software running on the host computing device without requiring the host computer to boot (column 6 line 56 to column 7 line 40), and, in association with termination of

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the computing session, instruct the host computing device to remove records pertaining to the computing session from the host computing device to enhance privacy associated with the computing session (column 8 line 35 to column 9 line 53). The system of Shih further stores information associated with the computing session in the memory instead of on the host computing device, wherein the host computing device would normally store the select information on the host computing device when the portable device is not present (column 7 lines 52-61).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the system of Shih to carry and install the configuration software of Levine. One of ordinary skill in the art would have been motivated to do this because the system will reduce the resources needed by cleaning up after removal of the flash card, not requiring a browser, and resources may be accessed without going through a device driver (column 2 lines 9-55).

*In reference to claims 2, 17, 20, and 28*, wherein the software is further adapted to instruct the host-computing device to detect instructions from the user indicating the termination of the computing session.

Levine does not expressly disclose the software adapted to instruct the host-computing device to detect instructions from the user indicating the termination of the computing session.

Shih discloses the software adapted to instruct the host-computing device to detect instructions from the user indicating the termination of the computing session (column 6 lines 31-55).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the system of Shih to carry and install the configuration software of Levine. One of ordinary skill in the art would have been motivated to do this because the system will reduce the resources needed by cleaning up after removal of the flash card, not requiring a browser, and resources may be accessed without going through a device driver (column 2 lines 9-55).

*In reference to claims 3, 18, 21, and 29*, wherein the software is further adapted to instruct the host-computing device to detect disassociation of the portable device from the host-computing device to indicate termination of the computing session.

Levine does not expressly disclose software adapted to instruct the host-computing device to detect disassociation of the portable device from the host-computing device to indicate termination of the computing session.

Shih discloses the software is adapted to instruct the host-computing device to detect disassociation of the portable device from the host-computing device to indicate termination of the computing session (column 6 lines 31-55).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the system of Shih to carry and install the configuration software of Levine. One of ordinary skill in the art would have been motivated to do this because the system will reduce the resources needed by cleaning up after removal of the flash card, not requiring a browser, and resources may be accessed without going through a device driver (column 2 lines 9-55).

*In reference to claims 4 and 22*, wherein the software is adapted to instruct the host computing device to delete one or more of the group consisting of browsing histories, cookie preferences, favorites, and bookmarks from one or more of the group consisting of system memory, cache, and disk drives.

Levine does not disclose the system that performs cleanup functions.

Shih discloses software is adapted to instruct the host computing device to delete one or more of the group consisting of browsing histories, cookie preferences, favorites, and bookmarks from one or more of the group consisting of system memory, cache, and disk drives (column 8 line 35 to column 9 line 53).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the system of Shih to carry and install the configuration software of Levine. One of ordinary skill in the art would have been motivated to do this because the system will reduce the resources needed by cleaning up after removal of the flash card, not requiring a browser, and resources may be accessed without going through a device driver (column 2 lines 9-55).

*In reference to claims 5 and 23*, wherein the software is further adapted to instruct the host computing device to automatically execute on the host computing device after the host computing device recognizes the presence of the portable device and instruct the host computing device to launch a program on the host computing device.

Levine does not disclose the software is adapted to instruct the host computing device to automatically execute on the host computing device after the host computing device recognizes



the presence of the portable device and instruct the host computing device to launch a program on the host computing device.

Shih disclose the software is adapted to instruct the host computing device to automatically execute on the host computing device after the host computing device recognizes the presence of the portable device and instruct the host computing device to launch a program on the host computing device (column 6 line 56 to column 7 line 22).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the system of Shih to carry and install the configuration software of Levine. One of ordinary skill in the art would have been motivated to do this because the system will reduce the resources needed by cleaning up after removal of the flash card, not requiring a browser, and resources may be accessed without going through a device driver (column 2 lines 9-55).

*In reference to claims 6 and 24*, wherein the software is further adapted to instruct the host-computing device to customize the user interface for the program for the computing session based on the data (column 6 line 65 to column 7 line 17).

*In reference to claims 7, 25, and 30*, wherein the software is further adapted to provide an authentication routine to execute on the host-computing device, the authentication routine including receiving authentication indicia from a user via an interface on the host computing device and determining if the authentication indicia received from the user matches authentication indicia stored in the memory (column 11 line 53 to column 12 line 5).

*In reference to claims 8 and 26*, wherein the software is further adapted to provide an authentication routine to execute on the host-computing device, the authentication routine

including receiving authentication indicia from the user via an interface on the host and determining if the authentication indicia received from the user matches authentication indicia stored in the memory (column 11 line 53 to column 12 line 5).

*In reference to claim 9*, wherein the software is adapted to emulate a file system resident on a memory device on the host computing device when interacting with the host computing device (column 18 lines 38-41).

*In reference to claim 10* wherein the software and data are adapted to appear as a file system to the host-computing device (column 7 lines 27-41).

*In reference to claim 11* wherein the interface is adapted to directly interface a port in the host-computing device.

Levine does not expressly disclose the interface is adapted to directly interface a port in the host-computing device.

Shih discloses the interface is adapted to directly interface a port in the host-computing device (column 4 line 61 to column 5 line 7).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the system of Shih to carry and install the configuration software of Levine. One of ordinary skill in the art would have been motivated to do this because the system will reduce the resources needed by cleaning up after removal of the flash card, not requiring a browser, and resources may be accessed without going through a device driver (column 2 lines 9-55).

*In reference to claims 13 and 31* wherein the software includes a plurality of keylets (levels) that are independently executable on the host-computing device to provide at least one function (column 13 lines 15-30).

*In reference to claim 15*, wherein the software is further adapted to instruct the host-computing device to remove records pertaining to the computing session from the host-computing device to enhance privacy associated with the computing session.

Levine does not expressly disclose the software is adapted to instruct the host-computing device to remove records pertaining to the computing session from the host-computing device to enhance privacy associated with the computing session.

Shih discloses the software is adapted to instruct the host-computing device to remove records pertaining to the computing session from the host-computing device to enhance privacy associated with the computing session (column 8 line 35 to column 9 line 53).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the system of Shih to carry and install the configuration software of Levine. One of ordinary skill in the art would have been motivated to do this because the system will reduce the resources needed by cleaning up after removal of the flash card, not requiring a browser, and resources may be accessed without going through a device driver (column 2 lines 9-55).

*In reference to claim 16*, wherein the software is further adapted to instruct the host-computing device to remove the records pertaining to the computing session from the host-computing device, in association with termination of the computing session.

Levine does not expressly disclose the software is adapted to instruct the host-computing device to remove records pertaining to the computing session from the host-computing device to enhance privacy associated with the computing session.

Shih discloses the software is adapted to instruct the host-computing device to remove records pertaining to the computing session from the host-computing device to enhance privacy associated with the computing session (column 8 line 35 to column 9 line 53).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the system of Shih to carry and install the configuration software of Levine. One of ordinary skill in the art would have been motivated to do this because the system will reduce the resources needed by cleaning up after removal of the flash card, not requiring a browser, and resources may be accessed without going through a device driver (column 2 lines 9-55).

*In reference to claim 32*, the method further comprising: executing the software on a host computing device; launching a program resident on the host computing device based on the software; accessing configuration information for the software stored on the portable memory device; and customizing the configuration for the program on the host computing device based on the configuration information (column 6 line 65 to column 7 line 17).

**Claim 12** is rejected under 35 U.S.C. 103(a) as being unpatentable over Levine and Shih as applied to claim 1 and further in view of Scan Tech News article.

A system comprising the interface is adapted to provide a wireless interface with the host-computing device.

Although Levine discloses a removable media, Paul does not disclose the interface with the host-computing device comprising a wireless interface.

The article in the Scan Tech News discloses wireless local area networks on a PC host through a PCMCIA slot (page S-24 column 1).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use a wireless PCMCIA card as disclosed in the article by Scan Tech News in the combination of Levine and Shih. One of ordinary skill in the art would have been motivated to do this because wireless local area network provides a cost-efficient, peer to peer client/server communications capability.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kikinis

5640302

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paula W. Klimach whose telephone number is (571) 272-3854. The examiner can normally be reached on Mon to Thr 9:30 a.m to 5:30 p.m.

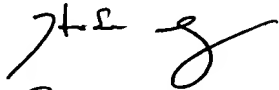
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PWK

Saturday, October 15, 2005

  
Primary Examiner  
Art Unit 2135